Applicant   : Joseph Barrett et al.   Attorney's Docket No.: 24838-0003001 / Security 08
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REMARKS

In response to the action of November 9, 2009, applicants ask that all claims be allowed in view of the amendments to the claims and the following remarks. Claims 1, 3, 4, 6-14, 25-41, and 45-58 are currently pending, of which claims 1, 25, and 50 are independent. Claims 1, 3, 4, 6, 10, 12, 13, 25-27, 30, 31, 33, 34, 38, 39, 45-51, 53, and 55-58 have been amended, claims 11, 32, 41, and 54 have been cancelled without prejudice or disclaimer of subject matter, and claims 59-62 have been added. This amendment is being filed with a Request for Continued Examination.

§ 103 Rejections

Claims 1, 3, 4, 6-14, 25-39, and 45-58 have been rejected as being unpatentable over Belissent (U.S. Patent No. 6,789,203) in view of Porras (U.S. Patent No. 6,484,203). Applicants respectfully request reconsideration and withdrawal of this rejection because each of Belissent, Porras, and the proposed combination fails to describe or suggest all of the features of amended independent claims 1, 25, and 50, as described below.

For example, as amended, independent claim 1 recites, among other things, in response to detecting a new connection transaction initiated by the attacking access requestor during the time out period, starting a new time out period and continuing to deny access by the attacking access requestor during the new time out period. Applicants submit that each of Belissent, Porras, and the proposed combination fails to describe or suggest at least these features.

Specifically, Belissent describes a system for throttling access requests. See Belissent at Abstract. Although the Belissent system throttles access requests, the Belissent system does not start a new time out period and continue to deny access by an attacking access requestor during the new time out period in response to detecting a new connection transaction initiated by the attacking access requestor during a time out period. Rather, as shown in Fig. 3B, the Belissent system denies all access requests received during a throttling period and begins allowing access requests when the throttling period ends regardless of whether the Belissent system received a new access request during the throttling period. See Belissent at Fig. 3B. At no point does the Belissent system start a new throttling period in response to detecting a new access request initiated by an attacking access requestor.

In addition, the Belissent system slows down access requests using wait times prior to outright denying access requests. See Belissent at Figs. 5B and 6. Although the Belissent system calculates a new wait time when an access request is received during a new throttling interval, the calculation of a new wait time does not start a new time out period and continue to deny access by an attacking access requestor during the new time out period in response to detecting a new connection transaction initiated by the attacking access requestor during a time out period. Rather, the Belissent system uses the new wait time to merely delay an access request of a requestor prior to allowing the access request (and other access requests) from the requestor by resetting the number of connections for the new throttling interval. As such, the Belissent system does not start a new time out period and continue to deny access by an attacking access requestor during the new time out period in response to detecting a new connection transaction initiated by the attacking access requestor during a time out period, as recited in amended independent claim 1.

Porras, which was cited for disclosing determining connection transactions to more than one access provider, fails to remedy the deficiencies of Belissent discussed above. See Office Action at page 3.

Accordingly, each of Belissent, Porras, and the proposed combination fails to describe or suggest, in response to detecting a new connection transaction initiated by the attacking access requestor during the time out period, starting a new time out period and continuing to deny access by the attacking access requestor during the new time out period, as recited in amended independent claim 1. Therefore, for at least these reasons, applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 and its dependent claims.

Independent claims 25 and 50, although different in scope from claim 1 and each other, recite features similar to the features of independent claim 1 discussed above, but do so in the context of a system and a switch, respectively. Accordingly, for at least the reasons discussed above with respect to claim 1, applicants respectfully request reconsideration and withdrawal of the rejection of claims 25 and 50 and their dependent claims.

Claims 40 and 41, which depend from claim 1, have been rejected as being unpatentable over Belissent in view of Porras and Lin (U.S. Patent No. 6,751,668). Lin, which was cited for disclosing establishment of a communication link involving exchange of more than two

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electronic messages and monitoring a rate of receipt of session establishment, fails to remedy the deficiencies of Belissent and Porras discussed above. Accordingly, for at least the reasons discussed above with respect to claim 1, applicants respectfully request reconsideration and withdrawal of the rejection of claims 40 and 41.

New Claims

New claims 59-62 each depend from one of independent claims 1, 25, and 50. For at least the reason of that dependency and the reasons noted above with respect to independent claims 1, 25, and 50, applicants submit that claims 59-62 are allowable.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants submit that all claims are in condition for allowance. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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